IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 675/2005
(Dinesh Raj Lodha Vs. State of Rajasthan & Anr.)

Date of Order : 23/08/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Arjun Purohit for the petitioner.
Mr. Ashok Upadhyay, public prosecutor for the State.
Mr. Iqbal Sherani for the non-petitioner No.2.

BY THE COURT:-

Heard learned counsel for the parties.

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 09.02.2005 passed by Judge, Family Court, Jodhpur (for short 'the family court' hereinafter), whereby the family court granted monthly allowance of interim maintenance in favour of Non-petitioner No.2 at the rate of Rs. 600/- per month from the date of application.

The only contention raised by the counsel for the petitioner is that the family court fell in error in awarding monthly allowance of interim maintenance from the date of

application, according to him, the interim maintenance allowance should have been awarded from the date of order.

The contention raised by the counsel for the petitioner cannot be accepted in view of Division Bench decision of this Court in Smt. Savita Sharma Vs. Shri Krishan Murari 1990 (1) RLR 400.

In the circumstances, therefore, no case for interference is made out. The petition is dismissed. Stay petition also stands dismissed. However, the family court is directed to decide the main application filed by non-petitioner No.2 under Section 125 Cr.P.C. utmost expeditiously.

(H.R.PANWAR),J.

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